

1 HOUSE BILL NO. 917
2 INTRODUCED BY B. KEENAN, J. ESP, L. JONES, J. GILLETTE
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2;
5 REQUIRING THE EVALUATION OF THE SUPPLEMENTAL PAYMENT METHODOLOGY; ESTABLISHING
6 THE PERFORMANCE-BASED PAYMENT ACCOUNT; REVISING ALLOCATIONS OF PROCEEDS FROM
7 THE COLLECTION OF UTILIZATION FEES; SUSPENDING ADDITIONAL PAYMENTS TO DIRECT CARE
8 WORKERS IF NURSING HOME DAILY RATES EXCEED A CERTAIN AMOUNT; REVISING LICENSING FOR
9 NURSING HOME FACILITY BED CAPACITY RATES DEPENDING ON A FACILITY'S AVERAGE ACTUAL
10 OCCUPIED BED RATE; PROVIDING DIRECTION ON THE USE OF FEDERAL FUNDS; ESTABLISHING
11 INTERIM REPORTING REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS
12 15-60-210, 15-60-211, 50-5-204, AND SECTION 53-4-211, MCA; AND PROVIDING AN EFFECTIVE DATE."
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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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16 NEW SECTION. Section 1. — ~~Evaluation of noncritical access hospital supplemental payment~~
17 ~~methodology -- rules -- report.~~ (1) The department of public health and human services shall evaluate
18 supplemental payment methodology, including but not limited to how medicaid rate increases and hospital
19 costs impact the upper payment limit, the integrity of the cost to charge ratio calculation, and alternative upper
20 payment limit calculation methods that may result in more precision. The department shall also require
21 hospitals to provide evidence annually of how the upper payment limit payments impact efficiency, economy,
22 quality of care, and access.

23 (2) — Additionally, the department shall adopt rules that define excessive outlier hospital utilization
24 fees and upper payment limits and assess graduated penalties to noncritical access hospitals that fit within that
25 definition.

26 (3) — The department shall report on the activities described in this section to the joint appropriations
27 subcommittee for health and human services during the 2025 legislative session.

1 **"53-4-211. Administration of programs funded under temporary assistance for needy families**

2 **block grant.** (1) The department is authorized and is charged with the general administration and supervision
3 of programs funded under the temporary assistance for needy families block grant under the powers, duties,
4 and functions as prescribed in chapter 2 of this title.

5 (2) The state of Montana shall maintain a fiscal effort equivalent to at least 75% of its historic state
6 expenditures, as defined in 42 U.S.C. 609(a)(7)(B)(iii), governing maintenance of effort necessary to draw down
7 the temporary assistance to needy families block grant.

8 (3) The department shall administer funds in accordance with federal regulations, including for
9 initiatives and services that strengthen families, increase family self-sufficiency, and reduce family dependence
10 on government programs. These initiatives and services may include those related to career development,
11 training, and job search support, increasing child support cooperation, promoting and supporting marriage and
12 two-parent households, and responsible fatherhood and positive parenting skills. The department shall, as
13 appropriate, coordinate or consult with the legislature and other state agencies to ensure that these initiatives
14 and services are the most impactful, are nonduplicative, and are the best at achieving the outcomes sought by
15 the department."

17 ~~NEW SECTION. Section 9. Codification instruction. [Sections 1 through 3] are intended to be~~
18 ~~codified as an integral part of Title 50, chapter 2, and the provisions of Title 50, chapter 2, apply to [sections 1~~
19 ~~through 3].~~

21 COORDINATION SECTION. Section 5. Coordination instruction. If both House Bill No. 872 and
22 [this act] are passed and approved, the department of public health and human services shall study the
23 feasibility of implementing a medical respite program under medicaid. It is in the intent of the legislature that
24 services associated with that program are an allowable use of the behavioral health fund authorized in House
25 Bill No. 872.

27 NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2023.